

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) MINIMUM (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED GARAGE; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 7 FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (TIMOTHY CARR, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

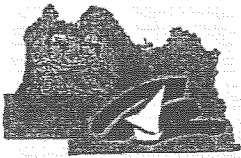
Agenda Date 3-28-05 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** REQUEST FOR (1) MINIMUM (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED GARAGE; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 7 FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (TIMOTHY CARR, APPLICANT); OR
2. **DENY** REQUEST FOR (1) MINIMUM (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED GARAGE; AND (2) MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 7 FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT); (TIMOTHY CARR, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: TIMOTHY CARR LOCATION: 277 ACORN DRIVE ZONING: R-1 (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> THE APPLICANT PROPOSES TO CONSTRUCT A GARAGE THAT WOULD ENCROACH 23 FEET INTO THE MINIMUM REAR YARD SETBACK AND 2.5 FEET INTO THE MINIMUM (WEST) SIDE YARD SETBACK; THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED. THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA

	<p>FOR THE GRANT OF THE REQUESTED VARIANCES. STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE LOT OR PROPOSED GARAGE HAVE BEEN DEMONSTRATED. THE PROPOSED GARAGE COULD BE REDUCED IN SIZE OR CONSTRUCTED CLOSER TO THE HOME TO COMPLY WITH DISTRICT SETBACK REQUIREMENTS; AND• THE REQUESTED VARIANCES WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1 DISTRICT.• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCES.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCES. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED GARAGE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET (ROOM 2201)
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2005-011

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- ☒ **VARIANCE** Minimum Rear Yard setback variance from 30' to 7'
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ EXISTING (YEAR _____) ☐ PROPOSED (YEAR _____)
- ☐ REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
FEB 02 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>TIMOTHY CARR</u>	
ADDRESS	<u>277 ACORN DRIVE</u>	
	<u>LONGWOOD, FL 32750</u>	
PHONE 1	<u>407-260-8118</u>	
PHONE 2		
E-MAIL	<u>SAILAFAR@HOTMAIL.COM</u>	

PROJECT NAME: GARAGE

SITE ADDRESS: 277 ACORN DRIVE

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Leg Lot 6 BLK C HENSONS ACRES PB 9PG 99

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 20-20-30-502-0000-0060

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 3/28/05
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT*

02/01/05
DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2: (west)

Minimum side yard setback variance from 7.5' to 5'

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S):

\$200.00

COMMISSION DISTRICT

4

FLU/ZONING

LDR/R-1

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

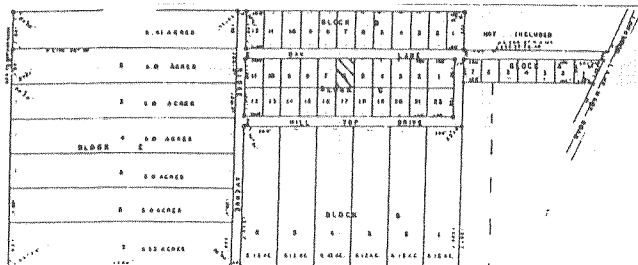
PLANNING ADVISOR

JU

DATE

2/2/05

SUFFICIENCY COMMENTS



Legal Description

Lot 6, Block C, HENSON'S ACRES, according to the Plat thereof, as recorded in Plat Book 9, Page 99, of the Public Records of Seminole County, Florida.

Community Number: 120416 Panel: 0130
 Suffix: E F.I.R.M. Date: 4/17/95 Flood Zone: X
 Field Work: 7/14/00 Completed: 7/17/00

Certified To:
 Ena T. Carr; Timothy E. Carr; Mortgagee Title Services, Inc.; Lawyers Title Insurance Company; Fairwinds Credit Union, its successors and/or assigns.

Property Address:
 277 Acorn Drive
 Longwood, Florida 32801

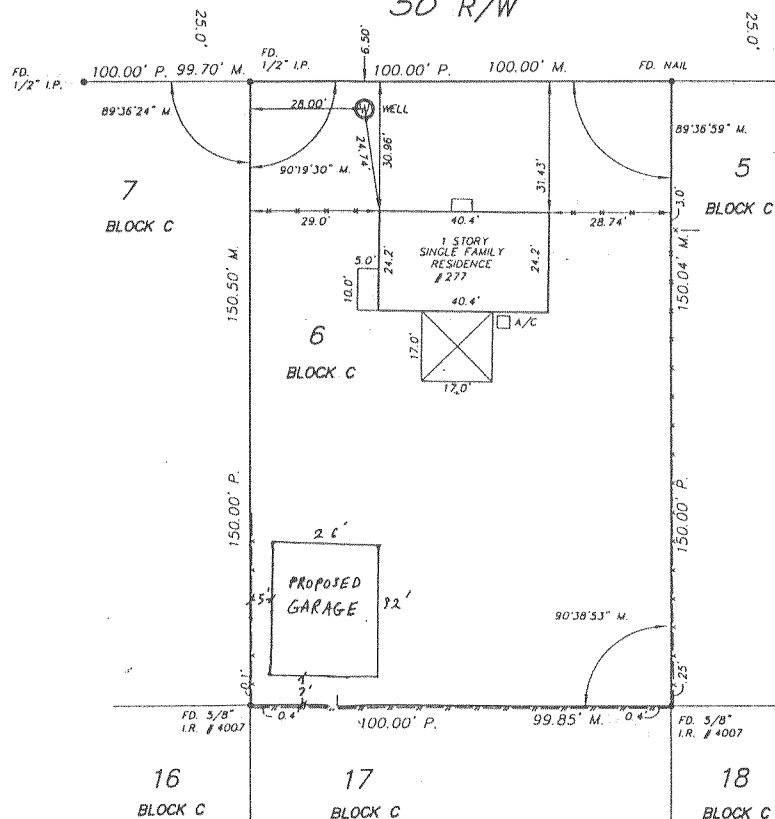
Survey Number: O-63819

Notes:

Accepted By:

ACORN DRIVE
 (OAK LANE)

50' R/W



BOUNDARY SURVEY

LEGEND

W.F.	WOOD FENCE	Δ	CENTRAL ANGLE/DELTA
W.F.	WIRE FENCE	D.B.	DEED BOOK
F.W.	FACE	D.	DESCRIPTION OR DEED
P.	PROPERTY CORNER	D.M.	DRILL HOLE
R.	RECORD	D/W	DRIVEWAY
M	FIELD MEASURED	E.S.U.T.	EASEMENT
C.	CALCULATED	E.L.	ELEVATION
CL	CLEAR	F.F.	FINISHED FLOOR
ENCR	ENCROACHMENT	F.C.M.	FOUND CONCRETE MONUMENT
C	CENTERLINE	F.P.K.	FOUND PARKER-KALON NAIL
CONC	CONCRETE	L	LENGTH
P.L.	PROPERTY LINE	L.A.E.	LIMITED ACCESS EASEMENT
C.M.	CONCRETE MONUMENT	M.M.	MANHOLE
F.I.R.	FOUND IRON ROD	N.T.S.	NOT TO SCALE
F.I.P.	FOUND IRON PIPE	O.R.	OFFICIAL RECORDS
R/W	RIGHT OF WAY	O.R.B.	OFFICIAL RECORDS BOOK
H.A.D.	HOLE & DISC	P.C.P.	PERMANENT CONTROL POINT
D.E.	DRAINAGE EASEMENT	P.R.M.	PERMANENT REFERENCE MONUMENT
U.E.	UTILITY EASEMENT	P.C.	PAGE
FD	FOUND	P.V.M.T.	PAVEMENT
P	PLAT	P.B.	PLAT BOOK
ASPH	ASPHALT	P.O.B.	POINT OF BEGINNING
O.H.L.	OVERHEAD UTILITIES	P.O.C.	POINT OF COMMENCEMENT
P.P.	POWER POLE	P.O.L.	POINT ON LINE
T.F.	TRANSFORMER	P.C.	POINT OF CURVATURE
CATV	CABLE RISER	P.R.C.	POINT OF REVERSE CURVE
W.M.	WATER METER	P.T.	POINT OF TANGENCY
TEL	TELEPHONE FACILITIES	R	RADIUS (RADIAL)
CA	COVERED AREA	R.O.E.	ROOF OVERHANG EASEMENT
B.R.	BEARING REFERENCE	S.I.R.	SET IRON ROD & CAP
CH	CHORD	S.W.	SIDEWALK
RAD	RADIAL	T.B.M.	TEMPORARY BENCH MARK
N.R.	NON RADIAL	T.O.B.	TOP OF BANK
A/C	AIR CONDITIONER	TYP	TYPICAL
B.M.	BENCH MARK	W.C.	WITNESS CORNER
C.B.	CATCH BASIN	10.50	EXISTING ELEVATION
C.	CALCULATED		

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS SHOWN ARE BASED UPON N.G.V.D. 1929 UNLESS OTHERWISE NOTED.
- BEARINGS REFERENCED TO LINE NOTED AS B.R.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

SIGNED RALPH SHEROLOFF REGISTERED LAND SURVEYOR NO. 3411 STATE OF FLORIDA

SIGNED CARL MICHAEL SMITH REGISTERED LAND SURVEYOR NO. 3782 STATE OF FLORIDA

SIGNED NOE ACULAR REGISTERED LAND SURVEYOR NO. 5571 STATE OF FLORIDA

SIGNED CLYDE D. McHEAL REGISTERED LAND SURVEYOR NO. 2083 STATE OF FLORIDA

SIGNED JAMES E. McALEER REGISTERED LAND SURVEYOR NO. 1133 STATE OF TENNESSEE

THIS SURVEY IS INTENDED FOR MORTGAGE OR REFERENCE PURPOSES ONLY, EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF FIRST FINANCIAL SURVEYORS, INC.

NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS EMBOSSED SEAL.

First Financial Surveyors, Inc.

AND AFFILIATED COMPANIES
 L.B. 6387 (FLORIDA)

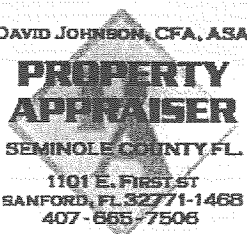
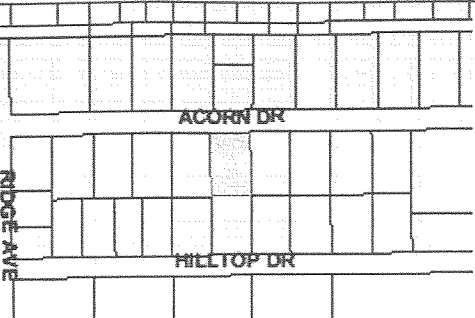

365 Autlie Avenue, Suite 3
 Oviedo, Florida 32765
 (407) 977-7010 Fax (407) 977-7020

8500 SVY 92nd Street, Suite B204
 Miami, Florida 33156
 (305) 271-3655 Fax (305) 271-8499

2000 N. Florida Mango Road, Suite 202
 West Palm Beach, Florida 33409
 (561) 640-4800 Fax (561) 640-0578

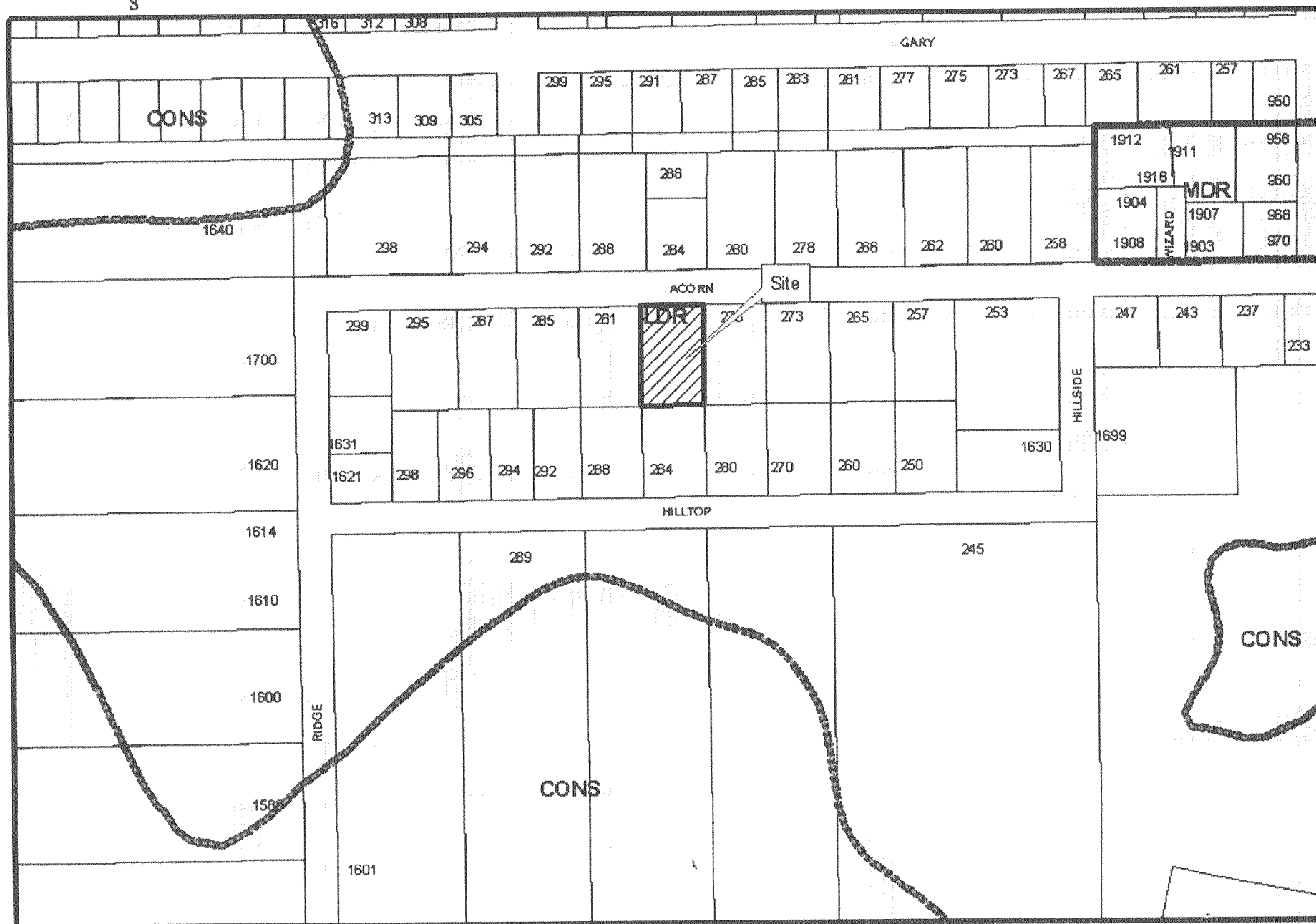
3290 Bermuda Isle Circle, Suite 429
 Naples, Florida 34109
 (941) 813-8933 Fax (941) 813-8931

1187 Volter Boulevard
 Nashville, Tennessee 37217
 (615) 366-8431 Fax (615) 366-8477

PARCEL DETAIL  DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																										
GENERAL Parcel Id: 20-20-30-502-0C00-0060 Tax District: 01-COUNTY-TX DIST 1 Owner: CARR TIMOTHY E Exemptions: 00-HOMESTEAD Address: 277 ACORN DR City, State, Zip Code: LONGWOOD FL 32750 Property Address: 277 ACORN DR LONGWOOD 32750 Subdivision Name: HENSONS ACRES Dor: 01-SINGLE FAMILY		2005 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$55,476 Depreciated EXFT Value: \$0 Land Value (Market): \$17,510 Land Value Ag: \$0 Just/Market Value: \$72,986 Assessed Value (SOH): \$51,279 Exempt Value: \$25,000 Taxable Value: \$26,279 Tax Estimator																								
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/2000</td> <td>03892</td> <td>0415</td> <td>\$24,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1986</td> <td>01757</td> <td>1624</td> <td>\$45,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01139</td> <td>0646</td> <td>\$17,000</td> <td>Improved</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	07/2000	03892	0415	\$24,000	Improved	WARRANTY DEED	07/1986	01757	1624	\$45,500	Improved	WARRANTY DEED	01/1977	01139	0646	\$17,000	Improved	2004 VALUE SUMMARY Tax Amount(without SOH): \$723 2004 Tax Bill Amount: \$419 Save Our Homes (SOH) Savings: \$304 2004 Taxable Value: \$24,785 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>100</td> <td>150</td> <td>.000</td> <td>170.00</td> <td>\$17,510</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	100	150	.000	170.00	\$17,510	LEGAL DESCRIPTION PLAT LEG LOT 6 BLK C HENSONS ACRES PB 9 PG 99												
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BUILDING INFORMATION <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Base SF</th> <th>Gross SF</th> <th>Heated SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1962</td> <td>3</td> <td>1,169</td> <td>1,248</td> <td>1,169</td> <td>CONC BLOCK</td> <td>\$55,476</td> <td>\$72,047</td> </tr> </tbody> </table> Appendage / Sqft OPEN PORCH FINISHED / 24 Appendage / Sqft UTILITY UNFINISHED / 55		Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1962	3	1,169	1,248	1,169	CONC BLOCK	\$55,476	\$72,047					
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																										



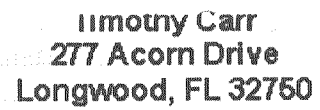
Timothy Carr
277 Acorn Drive
Longwood, FL 32750



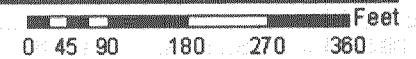
Parcel No: 20-20-30-502-0000-0060

BV2005-011

0 45 90 180 270 360 Feet



BV2005-011



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 6 BLK C HENSONS ACRES PB 9 PG 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: TIMOTHY CARR
277 ACORN
LONGWOOD, FL 32750

Project Name: ACORN (277)

Requested Development Approval:

1. MINIMUM REAR YARD SETBACK VARIANCE FROM 30 FEET TO 7 FEET; AND
2. MINIMUM (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED GARAGE IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variances granted will apply only to the proposed garage as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires: